

- UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

- b. The challenged statements are non-actionable statements of opinion.
- c. Diveheart challenges statements that are not about Diveheart, nor are they defamatory.
- d. Diveheart has failed to plausibly plead the requisite level of fault for the challenged statements.
- e. Diveheart has failed to plausibly plead actual damages.

3. Filed simultaneously and incorporated herein is a Memorandum of Law in support of Plaintiff's Motion to Dismiss.

WHEREFORE, Plaintiff Craig Ress respectfully submits that Defendant Diveheart's Counterclaim for Defamation should be dismissed with prejudice.

DATED this 14th day of February, 2020.

Respectfully submitted,

/s/ Rachel M. Weisberg

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/s/ Matthew K. Handley

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that on February 14, 2020, a true copy of the foregoing was served on counsel of record via the United States District Court's ECF system.

/s/ Rachel M. Weisberg